

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 141**

Introduced By: Flood, 19;  
Read first time: January 8, 2007  
Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section  
2 28-507, Reissue Revised Statutes of Nebraska, and section  
3 29-4103, Revised Statutes Cumulative Supplement, 2006; to  
4 change provisions relating to burglary; to harmonize  
5 provisions; and to repeal the original sections.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-507, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-507. (1) A person commits burglary if such person  
4 ~~willfully, maliciously, and forcibly breaks and enters any real~~  
5 ~~estate or any improvements erected thereon with intent to commit any~~  
6 ~~felony or~~ willfully and maliciously enters or remains unlawfully in  
7 any building or occupied structure, or a separately secured or  
8 occupied portion thereof, knowing that he or she is not licensed or  
9 privileged to do so and with intent to steal property of any value

10           (2) Burglary is a Class III felony.

11           Sec. 2. Section 29-4103, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13           29-4103. For purposes of the DNA Identification Information  
14 Act:

15           (1) Combined DNA Index System means the Federal Bureau of  
16 Investigation's national DNA identification index system that allows  
17 the storage and exchange of DNA records submitted by state and local  
18 forensic DNA laboratories;

19           (2) DNA means deoxyribonucleic acid which is located in the  
20 cells and provides an individual's personal genetic blueprint. DNA  
21 encodes genetic information that is the basis of human heredity and  
22 forensic identification;

23           (3) DNA record means the DNA identification information  
24 stored in the State DNA Data Base or the Combined DNA Index System  
25 which is derived from DNA typing test results;

26           (4) DNA sample means a blood, tissue, or bodily fluid sample  
27 provided by any person covered by the DNA Identification Information

1 Act for analysis or storage, or both;

2 (5) DNA typing tests means the laboratory procedures which  
3 evaluate the characteristics of a DNA sample which are of value in  
4 establishing the identity of an individual;

5 (6) Felony sex offense means a felony offense, or an  
6 attempt, conspiracy, or solicitation to commit a felony offense, under  
7 any of the following:

8 (a) Kidnapping of a minor pursuant to section 28-313, except  
9 when the person is the parent of the minor and was not convicted of  
10 any other offense in this subdivision;

11 (b) Incest of a minor pursuant to section 28-703;

12 (c) Sexual assault in the first or second degree pursuant to  
13 section 28-319 or 28-320;

14 (d) Sexual assault of a child in the second or third degree  
15 pursuant to section 28-320.01;

16 (e) Sexual assault of a child in the first degree pursuant  
17 to section 28-319.01;

18 (f) Sexual assault of a vulnerable adult pursuant to  
19 subdivision (1)(c) of section 28-386; and

20 (g) False imprisonment of a minor in the first degree  
21 pursuant to section 28-314, except when the person is the parent of  
22 the minor and was not convicted of any other offense in this  
23 subdivision;

24 (7) Law enforcement agency includes a police department, a  
25 town marshal, a county sheriff, and the Nebraska State Patrol;

26 (8) Other specified offense means an offense, or an attempt,  
27 conspiracy, or solicitation to commit an offense, under any of the

1 following:

2 (a) Murder in the first degree pursuant to section 28-303;

3 (b) Murder in the second degree pursuant to section 28-304;

4 (c) Manslaughter pursuant to section 28-305;

5 (d) Stalking pursuant to sections 28-311.02 to 28-311.05;

6 (e) Burglary pursuant to section 28-507 provided that the

7 real estate building or structure or separately secured building or

8 structure or portion thereof is a dwelling place intended for human

9 occupancy; or

10 (f) Robbery pursuant to section 28-324; and

11 (9) Released means any release, parole, furlough, work

12 release, prerelease, or release in any other manner from a prison, a

13 jail, or any other detention facility or institution.

14 Sec. 3. Original section 28-507, Reissue Revised Statutes of

15 Nebraska, and section 29-4103, Revised Statutes Cumulative Supplement,

16 2006, are repealed.